

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JAMES VALENTINIS-DEE

§

VS.

§

CIVIL ACTION NO. 9:25cv4

SHERIFF, MONTGOMERY COUNTY

§

MEMORANDUM ORDER REGARDING TRANSFER

Petitioner James Valentinis-Dee, an inmate confined at the Montgomery County Jail, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner brings this petition for writ of habeas corpus challenging two criminal charges pending in Montgomery County, Texas, cause numbers 23-11-16608-CR and 23-12-19046-CR. Additionally, petitioner challenges a pending criminal forfeiture by the Montgomery County District Attorney which petitioner claims is “in avoidance (sic) of setting bail.”

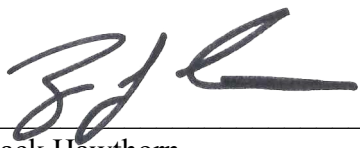
Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district court for the district wherein such person is in custody or in the district court for the district within which he was convicted. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner challenges charges pending in Montgomery County, Texas. Further, petitioner is currently housed at the Montgomery County Jail which is located in Montgomery County, Texas. Pursuant to 28 U.S.C. § 124, Montgomery County is located within the jurisdictional boundaries of the Houston Division of the United States District Court for the Southern District of Texas. Thus, plaintiff has failed to establish jurisdiction exists in this court.

Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Since petitioner complains of charges in Montgomery County located in the Houston Division of the Southern District of Texas and all records and witnesses involving this action may be located in such district, the transfer of this action to such division would further justice. Therefore, it is the opinion of the undersigned that this petition should be transferred to the United States District Court for the Southern District of Texas, Houston Division. An Order of Transfer so providing shall be entered in accordance with this Memorandum Order.

SIGNED this 14th day of January, 2025.



Zack Hawthorn
United States Magistrate Judge